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June 27, 2022

Hon. Katherine Polk Failla
United States District Court
U.S. Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: United States v. Kwame Garnett, et al.
S2 21 Cr. 414 (KPF)

Dear Judge Failla:

On behalf of all parties in the case, I write to request an additional 45 days to allow the defendants to review the discovery in the case both individually and with counsel, and for the parties to engage in discussions concerning possible pre-trial dispositions.

My client, Mr. Kwame Garnett, has experienced delays in receipt and review of the discovery, which I understand from other counsel and from the Government have affected at least certain others of the detained defendants as well. The first copy of the discovery that was received by the Westchester County Jail, where Mr. Garnett is presently detained, was returned to the Government due to faulty encryption. A new copy was prepared and sent to the facility, and I am informed that it was finally available in the law library as of Friday, June 24. On paper, Westchester County Jail permits defendants one hour of discovery review in the law library per day. However, it has been my experience that this policy is not consistently honored in practice due to lockdowns and/or to the number of inmates requesting time at the computers on any given day. Although I have met with Mr. Garnett and reviewed some of the most pertinent materials with him, Mr. Garnett would benefit from time to review the discovery, including extensive video files, at his own pace as well, as would be the case, I understand from other counsel, for at least certain other detained defendants as well as certain defendants on pre-trial release.

I have consulted with counsel for the other defendants in this case and with the Government, and am advised that there is no objection to a 45-day extension. If the Court grants this request, then counsel for all of the defendants agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) until a date in the week of August 8, 2022 or shortly thereafter, at the Court's convenience.

Thank you for your consideration and continued courtesies to counsel.

Respectfully submitted,

/s/
Richard H. Rosenberg, Esq.

Cc: All parties (by ECF)

The Court is in receipt of the parties' above letter. For the reasons stated above, the parties are hereby ORDERED to appear for a status conference on **August 11, 2022, at 11:00 a.m.**

It is further ORDERED that time is excluded under the Speedy Trial Act between June 27, 2022, and August 11, 2022. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the defendants in a speedy trial because it will permit defense counsel and the defendants to continue to review discovery and the parties to consider a pre-trial disposition.

The Clerk of Court is directed to terminate the motion at docket entry 93.

Dated: June 28, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE